

REMARKS

Claims 16-20, 22-25 and 27-29 are pending in the present application. Applicants respectfully request reconsideration of the pending claims.

Claims 16-20, 22-25 and 27-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,911,773 (“Mutsuga”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

To anticipate a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim limitation is *identically disclosed* in a single prior art reference. (See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131. If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). To the extent that the Examiner may be relying on the doctrine of inherent disclosure to support the anticipation rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claim 25 recites, in relevant parts, the following: “a reproducing device configured to reproduce the calculated first route and the at least one second route for selection by a user; and a communications unit configured to receive information regarding traffic disruptions on the calculated first route and the at least one second route, the reproducing device configured to reproduce the information regarding the traffic disruptions; wherein the reproducing device is configured to **reproduce the traffic disruptions** one of: a) in the form of **isolines**; and b) in the form of an **isographic diagram**.

In support of the rejection, the Examiner relies on the display device (12) of Mutsuga as being allegedly equivalent to the “reproducing device” of Applicants’ claim 25. In particular, in the “Response to Amendment” section of the final Office Action, the Examiner contends the following: a) “in Figure 15A [of Mutsuga], the main route with a congested section has been indicated as well as the general route”; and b) “while showing the indication of congested section on the main route (see Figure 15A), the display device reproduces the

information regarding the traffic disruption in the form of isolines.” In response, Applicants note that while Mutsuga teaches the display of a congested route section in Fig. 15A, nothing in Mutsuga teaches or suggests display of isolines or an isographic diagram. The terms “isolines” and “isographic diagram” are explicitly defined in the Applicants’ Specification and clearly illustrated in Figures 2 and 3. For example, “isolines” are defined as “representing boundaries of traffic disruptions having a constant size,” (original Specification, p. 8, l. 30-31), and Fig. 2 illustrates a plurality of isolines 25, 30, 35, 40, 45 and 50 each defining a geographical area having a particular traffic flow rate (p. 9, l. 1-14). In addition, “isographic diagram” is illustrated in Fig. 3 and clearly defined as a diagram “in which the different regions between the isolines are represented using a different color or brightness.” (P. 9, l. 19-23). In contrast, Figs. 15(A) and 15(B) of Mutsuga, and the associated description in Mutsuga specification (col. 9, l. 61 – col. 10, l.3), clearly indicate that the lines shown in these two figures are routes for purposes of illustration, and there is absolutely no indication of any isolines or isographic diagram. Accordingly, there is absolutely no reasonable interpretation of Mutsuga that would support the conclusion that Mutsuga discloses the claimed feature that “the reproducing device is configured to **reproduce the traffic disruptions** one of: a) in the form of **isolines**; and b) in the form of an **isographic diagram**.”

Independent of the above, Mutsuga only discloses that **either** a first or a second calculated route is able to be output on the display device, and there is no indication that both first and second routes are able to be **simultaneously displayed on the display**, let alone **simultaneously displayed for selection by a user**. To the extent the Examiner insists on relying on the lines and the text included in Figure 15(A) of Mutsuga for the conclusion that multiple calculated routes are simultaneously displayed, Applicants note that the associated description in Mutsuga specification (col. 9, l. 61 – col. 10, l.3) clearly indicates that **Fig. 15(A)** is merely used to **illustrate a situation where “data indicating traffic congestion on the main road has been received,”** (col. 9, l. 62-64), but there is no indication of **an optical display of two routes for selection by a user**, let alone any indication of an optical display of **information regarding the traffic disruptions on the calculated first route and the at least one second route**. The fact that a figure in the patent shows two routes does not mean that a visual display device simultaneously displays the two routes. Accordingly, Mutsuga clearly fails to teach or suggest anything relating to “a reproducing device configured to **reproduce the calculated first route and the at least one second route for selection by a user**; . . . the reproducing device configured

to reproduce the information regarding the traffic disruptions [on the calculated first route and the at least one second route]."

For at least the foregoing reasons, Applicants respectfully submit that claim 25 and its dependent claims 16-20, 22-24 and 27-29 are not anticipated by Mutsuga.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the pending claims 16-20, 22-25 and 27-29 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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 (R. No. 36,197)

Dated: 7/11, 2006

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